

Department of Public Health
and Human Services

Section:
WORK REGISTRATION

FOOD STAMP PROGRAM

Subject:
Disqualification

Supersedes: FS 705-1 (04/01/07)

References: 7 CFR 273.7, Food Stamp Act Section 6 (D)(2)

► GENERAL RULE -- Work registration mandatory individuals will be disqualified if they refuse without good cause to accept a bona fide offer of suitable employment at a site not subject to a strike or lockout, at a wage equal to the higher of the Federal or State minimum wage. Mandatory registrants applying for or already approved for food stamps, who without good cause fail to comply with work registration, may be subject to disqualification (coded 'DQ' on SEPA).

The disqualification applies to the noncompliant individual; however, if the disqualification of the individual results in the household being ineligible for benefits:

1. The application is denied and the disqualification is not applied; or,
2. The case is closed and the disqualification is applied.

DISQUALIFICATION TIME PERIODS

1st offense: One month or until the failure or refusal ceases, whichever is longer.

2nd offense: Three months or until the failure or refusal ceases, whichever is longer.

3rd and all subsequent offenses: Six months or until the failure or refusal ceases, whichever is longer.

NOTE: When the disqualification is due to a job quit, the individual can regain eligibility once the disqualification has been served.

See "Ending Disqualification Due to an Exemption"
on Page 5 of this section.

NOTE: An example of "failure or refusal" is refusal to sign the HCS 543-A.

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**START DATE/
ONGOING
HOUSEHOLDS**

The disqualification period begins the month after the expiration of the Notice of Adverse Action unless a fair hearing is requested and continued benefits are requested during the hearing process. Timely notice of adverse action must be sent.

**NON-COMPLIANCE
IN SIGNING
THE HCS 543-A**

If the disqualification is due to refusal to sign the HCS 543-A, Food Stamp Program Work Registration Understanding and Agreement Form, the individual (s) will be disqualified at least the minimum period (1, 3 or 6 months depending on whether it is a 1st, 2nd, or 3rd offense) **and** until someone in the household age 16 or older signs the HCS 543-A form.

Example: A household of two apply for food stamps May 5th and both refuse to sign the HCS 543-A. She is mandatory and he is exempt from work registration requirements due to disability. If the household is otherwise eligible, code her 'DQ'. Since this is her first violation, the disqualification is a minimum of one month (unless she becomes exempt). He will be coded 'IN' for food stamps in May. She will be added the month after the HCS 543-A form is signed (e.g., signs June 5th so she is added for July).

**VOLUNTARY
QUIT**

The job quit provision applies only if the employment involved:

1. Thirty hours or more per week; or,
2. Provided weekly earnings at least equivalent to the Federal minimum wage multiplied by 30 hours; **and**,
3. The quit occurred within 30 days prior to the date of application or anytime thereafter, and the quit was without good cause.

NOTE: If an individual quits a job within 30 days of application, secures new employment at comparable wage or hours and is then laid off, through no fault of his/her own, the earlier quit will not form the basis of a disqualification

NOTE: An application cannot be held beyond the normal processing time frame while a determination of voluntary quit is being made.

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**MULTIPLE
MEMBER
HOUSEHOLD**

At application, if it is discovered a job quit occurred within the 30 days prior to application and the quit was without good cause, the disqualification is effective the date of determination of eligibility for the remaining household members (typically the date of application). The individual will be disqualified according to the minimum mandatory disqualification schedule.

Example: Household of three applies for food stamps on September 12th. An individual in the household had a first time job quit on September 1st. Household was determined eligible for food stamps on September 15th retroactive to date of application. The individual with the job quit will be added in the food stamp unit November 1st. At least 30 days of disqualification begins September 12th and, because an individual cannot be added to the food stamp unit in the middle of a month, the individual will be added in November 1st.

**ONE-PERSON
HOUSEHOLD**

If a one-person household is applying and that individual has quit a job within 30 days prior to application and there was no good cause, the application is denied. He/she could reapply, but the application would be denied again until the job quit would be more than 30 days from the date of application. Upon reapplication (30 days after the quit) there will be no disqualification as the job quit look back period has been satisfied.

Example: A single person household applies for food stamps on September 12th. The individual had a job quit on September 1st without good cause. The application is denied and the individual must reapply on October 1st. On October 1st he is eligible without any disqualification period.

NOTE: When a one-person household is denied due to job quit, they do not need to complete a new application since the first one is less than 30 days old. However, another interview (possibly by phone) needs to be conducted to verify current circumstances (FS 104-4).

**ONGOING
HOUSEHOLDS**

After an application is approved and a disqualification period is imposed for a voluntary quit, the offense will count one, three or six months as appropriate beginning with the first of the month after all normal procedures for taking adverse action have been followed.

If an individual is disqualified for job quit and does not become exempt from work requirements during the disqualification, the full disqualification must be served. When the disqualification has been served, the individual

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or another household member age 16 or over must comply with work requirements by signing the HCS 543-A. If a household member complies, the disqualified individual regains eligibility.

Example: Ann and her two children over six years of age apply for food stamps on January 1st. Ann is working 30 hours a week and earns minimum wage. On February 10th Ann quits her job without good cause. Ann is a six month reporter and does not report this quit until June 2nd. At that time she verifies that she quit her job without good cause. The OPA Case Manager will change income for July and remove Ann due to job quit. No overpayment or underpayment is established. Loss of employment is not a mandatory reportable change for six month reporting households and she is not an ABAWD subject to the time limits. This is Ann's first offense and she has signed HCS-543A. She is added back into the household in August.

TRACKING

The disqualification will follow the individual if he/she becomes a member of another household. As TEAMS does not currently track FS work registration disqualifications, it is vital to have clear, concise TEAMS case notes for tracking. Case notes are to be titled "1st (2nd) (3rd) FS disqualification". Be sure to set appropriate alerts on TEAMS (both ETAL and PRAP). Please set PRAP alerts as 'DQ' and '?' until TEAMS is enhanced to allow PRAP codes of F1, F2, and F3 codes.

ENDING DISQUALIFICATION DUE TO AN EXEMPTION

During the work registration disqualification period, eligibility may be re-established if the member who caused the disqualification becomes exempt from work registration requirements (FS 701-1).

NOTE: In the case of an exemption for the receipt of Unemployment Insurance (UI) or TANF Cash Assistance, the individual must actually be receiving UI or TANF Cash Assistance before the disqualification can end.

The disqualification will count as an offense if the individual has served one or more days of the disqualification prior to the reported exemption. Add the individual to the case the first of the following month.

All **non-exempt** individuals must serve **at least** the minimum disqualification period (one, three or six months). The minimum disqualification period cannot be avoided by requesting closure and reapplying. If the reapplication is during the disqualification period, the individual must be

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coded 'DQ' on SEPA until the minimum period is served. (If all individuals are DQ, deny the reapplication.)

**REDUCTION IN
HOURS**

In the instance of a disqualification for reduction in hours, the disqualification can end at the end of the minimum disqualification period (one, three, or six months) if there is verification the reduction is beyond the employee's control. For example, if the employer states the hours have been given to other employees and there is currently no way of increasing hours for the participant.

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